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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4424 of 2001
with
Civil Application No.6752 of 2001
and
SPECIAL CIVIL APPLICATION No 4681 of 2001
SPECIAL CIVIL APPLICATION No 4682 of 2001
SPECIAL CIVIL APPLICATION No 4715 of 2001
with
Civil Application No.7140 of 2001
and
SPECIAL CIVIL APPLICATION No 4717 of 2001
with
Civil Application No.7141 of 2001

SPECIAL CIVIL APPLICATION No.5101 of 2001
with
Civil Application No.7056 of 2001
and
Civil Application No.7143 of 2001
and
Civil Applications No.7175, 7176 and 7177 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

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2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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NARHARI HIRALAL AMIN
Versus
VICE CHANCELLOR

Appearance:
1. Special Civil Application No. 4424 of 2001
MR MIHIR H JOSHI for Petitioner No. 1
MR SB VAKIL for Respondent No. 1-2
MR MC BHATT for Respondent No. 3

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 27/07/2001

COMMON ORAL JUDGEMENT

In the Special Civil Application No.4424/2001, the petitioners challenged the Resolution of the Executive Council of the respondent University dated 19-6-2001, authorizing the Vice Chancellor to examine the need of establishing 21 self-financed Colleges and also to take steps for affiliation thereof. The Executive Council in its meeting held on 6-7-2001, withdrew the aforesaid Resolution delegating its power to the Vice Chancellor. After withdrawal of the power from the Vice Chancellor, I am of the view that the petitioners' grievance has been redressed and nothing survives in the aforesaid petitions. While withdrawing the Resolution of the Executive Council dated 19-6-2001, the Executive Council in the meeting of 6-7-2001 took a Resolution to refer back to the Academic Council to seek its opinion on the matter pertaining to the need of the locality in respect of the applications of the 21 self-financed colleges. The Academic Council by its Resolution dated 6-7-2001, recommended some self-financed colleges for beginning course during the academic session 2001-2002 and recommend to the Executive Council for approval. The aforesaid Resolution has been challenged by the petitioners in SCA No.5101 of 2001. The petitioners also challenged the decision of the Executive Council seeking opinion of the Academic Council regarding the need of establishing self-financed colleges. At the stage of announcing the judgement, Mr.S.B.Vakil, learned Sr. Counsel produced the Resolution of the Academic Council dated 25-7-2001. In the first resolution, the Academic Council withdrew their resolution passed on 6-7-2001, regarding the recommendation for establishment of some self-financed colleges. By the second resolution, the Academic Council recommended to the Executive Council to refer the applications of the 21 self-financed colleges to the Need Committee. Accordingly, the Executive Council met on 27-7-2001 and in that meeting a resolution has been passed by the Executive Council to refer the applications of the 21 self-financed colleges to the Need Committee for its opinion.

I have heard Mr.Mihir Joshi, learned Counsel

appearing on behalf of the petitioners in both the petitions and Mr.S.B.Vakil, learned Sr. Counsel appearing on behalf of the respondent University. The petitioners' ultimate claim is for referring all these applications of 21 self-financed colleges to the Need Committee, so that the provisions of the Gujarat University Act is followed and the matter be examined properly by the two Bodies of the University i.e. the Executive Council and the Academic Council. Now, as per the resolution of the Executive Council, all these applications of the 21 self-financed colleges are going to the Need Committee and, therefore, the entire matter will be examined, starting from the Need Committee to the Executive Council. Accordingly, I am of the view that there should not be any apprehension in the minds of the petitioners that the applications of the 21 self-financed colleges will not be examined properly and in accordance with law. Since the petitioners have got the relief claimed in both the petitions in pursuance of the aforesaid resolutions, I do not think any cause of action survives.

Accordingly, both the petitions are disposed of.
In view of the disposal of the main petitions, all the petitions filed in this connection, either to defend the decision of the Vice Chancellor
cases filed by some institutions to defend their affiliations alleged to have been granted by the University become infructuous. With this, the cognate petitions and civil applications are disposed of. Rule discharged. Interim relief, if any, stands vacated. No order as to costs.

27-7-2001 (P. K. Sarkar, J.)

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